

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SOUTH TEXAS FRAC, LLC  
*Plaintiff*

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V.

CIVIL ACTION NO. 20-cv-00678

PHOENIX PROCESS EQUIPMENT CO.  
*Defendant*

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**AGREED ORDER REGARDING THE PARTIES' ADDITIONAL DISCOVERY**

Upon consideration of the parties' Agreed Motion for Continuance and request for additional discovery, the Court hereby ORDERS the following:

- The Court GRANTS Defendant Phoenix Process Equipment's request to take the depositions of Cesar Saenz and Matt King and ORDERS that Defendant Phoenix Process Equipment, Co. may take the depositions of Cesar Saenz and Matt King on an agreeable date and time.
- The Court DENIES Defendant Phoenix Process Equipment's request to take the deposition of Collin McCurley.
- The Court GRANTS Defendant Phoenix Process Equipment's request to take the deposition of David Durrett and ORDERS that Defendant Phoenix Process Equipment, Co. may take the deposition of David Durrett on an agreeable date and time.
- The Court DENIES Defendant Phoenix Process Equipment's request to take the deposition of Brandon White of PropTester, Inc.
- The Court GRANTS Defendant Phoenix Process Equipment's request to continue attempts to secure compliance of its issuance of Deposition on Written Question and Subpoena issued to ThermalKinetics, including the issuance of Letters Rogatory. The Court DENIES Defendant Phoenix Process Equipment's requests to depose a representative of Thermal Kinetics at this time.
- The Court GRANTS Defendant Phoenix Process Equipment's request to continue the Court mandated inspection and collection of samples at the site of the plant at issue, which is to be limited to one round of sample collections from the wet and dry plant on an agreeable date and time.

SIGNED on the 18<sup>th</sup> day of October, 2021.

  
Henry L. Bemporad  
United States Magistrate Judge